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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,433	04/02/2001	Joseph R. Pacione	52498/39	8582
27155	7590	02/03/2006	EXAMINER	
MCCARTHY TETRAULT LLP BOX 48, SUITE 4700, 66WELLINGTON STREET WEST TORONTO, ON M5K 1E6 CANADA			CANFIELD, ROBERT	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/822,433

Applicant(s)

PACIONE, JOSEPH R.

Examiner

Robert J. Canfield

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 56-63 and 65-88 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 56-62, 65-73, 75-77 and 84-86 is/are rejected.
- 7) ☒ Claim(s) 56-63, 65-83 and 86-88 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/02/05.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

1. This Office action is in response to the amendment filed 06/15/05. Claims 56-63 and 65-88 are pending. Claims 1-55 and 64 have been canceled.

2. Claims 56-63, 65-83 and 86-88 are objected to because of the following informalities:

In step b) of claim 56 the language "each covering" is unclear as only a first covering has been defined,

In step c) of claim 56 "a first piece" lacks a proper antecedent basis, only a first decorative covering has been defined,

In claims 69 and 72 it is unclear which decorative covering "the decorative covering" references as first and second decorative coverings have been defined,

In step b) of claim 74 the language "each covering" is unclear as only a first covering has been defined,

In step c) of claim 74 "a first piece" lacks a proper antecedent basis, only a first decorative covering has been defined,

In step a) of claim 78 "the carpet" lacks antecedent basis, and

In step b) of claim 86 the language "each covering" is unclear as only a first covering has been defined,

In step c) of claim 86 "a first piece" lacks a proper antecedent basis, only a first decorative covering has been defined.

Appropriate correction is required.

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3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 56-62, 65, 67-73, 75-77 and 86 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,382,462 to Pacione.

Pacione provides a plurality of anchor sheets in the form of tapes laid side by side to cover an entire floor surface. Each of the tapes has a polyethylene body portion covered with hooks. Carpeting pieces having looped backings are laid over the tapes and bridge or join adjacent tapes (see figure 2). The tapes have adhesive backings, which would make them "non-slip".

5. Claims 84 and 85 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,060,443 to Pacione.

Figure 6 and its description provide for first anchor sheets 72 and second anchor sheets 73 attached by a hook and loop system with overlying carpeting attached to the second anchor sheets by a hook and loop system.

6. Claim 66 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,382,462 to Pacione.

While not specifically shown, it is inherent that when laying carpet that a situation may arise where the carpeting layer may be narrower than the under layer. The particular size of the carpet relative to the tape in Pacione would have been an

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obvious matter of design choice to one having ordinary skill in the art at time of the invention to fit a particular size room while eliminating waste and also to not have a carpet seam align with a tape seam.

7. Claims 74, 78, 87 and 88 would be allowable if rewritten to overcome the objections above.

8. Acknowledgement is made of the IDS received 12/02/05. An initialed copy of the 1449 form is attached.

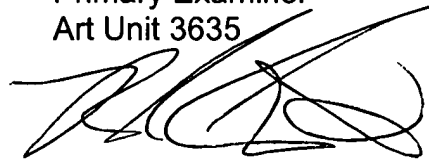
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Canfield whose telephone number is 571-272-6840. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert J Canfield
Primary Examiner
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12/19/05